

STATE OF MICHIGAN
COURT OF APPEALS

YESHWUA BEN ISRAEL,

UNPUBLISHED
May 23, 1997

Plaintiff-Appellant,

v

No. 192481
Kalamazoo Circuit Court
LC No. 95-1672 NF

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY,

Defendant-Appellee.

Before: Corrigan, C.J., and Young and M.J. Talbot*, JJ.

MEMORANDUM.

Plaintiff appeals by right from summary disposition in favor of defendant in this no fault insurance case. This case is being decided without oral argument pursuant to MCR 7.214(E).

Plaintiff had placed his hand on his motor vehicle and his car keys in his other hand and was positioning his body to insert the key to unlock the driver's side door. Plaintiff's actions constituted "entering into" his motor vehicle for purposes of the No-Fault Insurance Act, Insurance Code §3106(c). *Ansara v State Farm Ins Co*, 207 Mich App 320, 322; 523 NW2d 89 (1994); *Shanafelt v Allstate Ins Co*, 217 Mich 625, 632-633; 552 NW2d 671 (1996). The injuries sustained when plaintiff slipped and fell in this process arose out of the use of plaintiff's motor vehicle as a motor vehicle. *Shanafelt, supra*.

Reversed and remanded for further proceedings consistent with this opinion. We do not retain jurisdiction.

/s/ Maura D. Corrigan
/s/ Robert P. Young, Jr.
/s/ Michael J. Talbot

* Circuit judge, sitting on the Court of Appeals by assignment.

